

8772. Adulteration of tomato sauce. U. S. * * * v. Thomas Page. Plea of guilty. Fine, \$100. (F. & D. No. 9665. I. S. Nos. 1220-p, 2145-p, 11723-p.)

On August 12, 1919, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Thomas Page, Albion, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about December 20, 1917, from the State of New York into the State of Pennsylvania, on or about October 16, 1917, from the State of New York into the State of Rhode Island, and on or about October 22, 1917, from the State of New York into the State of Illinois, of quantities of tomato sauce which was adulterated. The article was labeled in part, "Tripoli Brand Tomato Sauce * * * Packed by Thomas Page, Albion, N. Y."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was made in whole or in part from decomposed tomatoes.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filby, decomposed, and putrid vegetable substance.

On October 28, 1919, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

E. D. BALL, *Acting Secretary of Agriculture.*

8773. Alleged adulteration and misbranding of tomatoes. U. S. * * * v. 2,967 Cases of Tomatoes. Tried to the court and a jury. Verdict for claimant. (F. & D. Nos. 11868, 11869. I. S. Nos. 9088-r, 9089-r. S. Nos. C-1669, C-1670.)

On December 31, 1919, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2,967 cases, each containing 24 cans of tomatoes, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that 1,487 cases had been shipped by the Andrews Packing Co., from Cambridge, Md., September 6, 1919, and that 1,480 cases had been shipped by said company from Linkwood, Md., September 5, 1919, and transported from the State of Maryland into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Asquith Brand Tomatoes * * * Andrews Packing Co., Swards" (or "Salem") "Md."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the article.

Misbranding was alleged for the reason that the above labeling was false and misleading and deceived and misled the purchaser into the belief that the product consisted wholly of tomatoes, whereas it contained added water.

On May 26, 1920, the case having come on for trial before the court and a jury, after the submission of evidence and arguments by counsel, the court delivered its charge to the jury. The jury thereupon retired and after due deliberation returned into court with a verdict in favor of the claimant of the goods, the said Andrews Packing Co.

E. D. BALL, *Acting Secretary of Agriculture.*